G. R. S. IX-5]

Previous references.

1896-7

~~191~~

(Ch)

Later references.

File No. 3-96

Serial Nos. 1-6

P. 39

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-6

Oct 1898.

In Part B for ~~March 1897~~

SUBJECT.

Summary powers to the Hill magistrate, Mr Hume-wright- R.9.7.

W D 88—GPB,—50,000—24-7-16

Contd. in Vol. 11:d.

Index

T

1119

(General Serial No. 30.)

1897. 7898

20391

From

The Registrar of the
Chief Court of Mysore.

29

To

The ~~General~~ Secretary
to the Government of Mysore.

Dated 17th March/97

Despatched 19th —

Received 20 — " —

Enclosures No. 1

General No. 4867

No. 202

Requests that Govt. may invest Mr. G. Adams Wright, Special Magistrate of the Kolar Gold Fields with power to try cases summarily under chapter ~~XXII~~ of the Code of Criminal Procedure -

J 20/3/97

Central Jail Press, Bangalore.—18-12-95.—502.

N 4867/202 Sr:1

7/4 2

Bangalore 17th March 1897

(29)

From

The Registrar of the
Chief Court of Mysore

To

The Secretary to the
Government of Mysore

Sir,

On the recommendation of the District magistrate of Kolar, I am directed to request that the Government may be pleased to invest Mr. G. Hume Wright, Special magistrate of the Kolar Gold Fields, with power to try Criminal cases Summarily under Chapter XXII of the Code of Criminal Procedure.

2. Mr. Hume Wright has a heavy file of Criminal cases in addition to his Civil work. The total number of Criminal cases on his file was 331 for 1895 and 174 for the half year ending 31st December 1896, of which 135 and 64, respectively, were such as could have been enquired into and

disposed

disposed of summarily. Further in addition to the heavy judicial work shown above, he has to attend to the sanitation of the villages in the vicinity of the Gold Fields, report on accidents in the mines, and supervise the Lock up. As observed by the District magistrate, if Mr. Wright is invested with summary powers, he will be able to devote more time to important cases. As Mr. Wright has exercised the powers of a 1st class magistrate for the last six years the Judges of the Chief Court feel justified in supporting the recommendation of the District magistrate.

3. The usual recommendation roll is herein enclosed.

I have the honor to be,
Sir,
your most obedient Servant,

A. Magistrate Ahmed
Registrar.

J.C.

25 L Statement Showing the particulars connected with
to Magistrates under Cri
~~behalf of~~ Court Proceeding

Name	Official designation	Pay	Examinations passed	When appointed Magistrate
Wm. G. Hume Wright	Special Magistrate.	600	— Nil — An advocate of the Chief Court in Mysore.	2nd May 1891

the grant of additional powers 77
inal Procedure Code.

Govt. No. 1471-98/21 Dated 6-4-91.

No. and date of notification investing him with powers.	Powers for which recommended & reasons	Remarks as to efficiency.
Besides the ordinary 1st class Magistrates powers additional powers were issued - vide Govt. notification No. 56 dated 5th May-1891 published in the Mysore Gazette Dated 9th May 1891	Power to try Summarily under Section 260.	The Magistrate is an advocate of the Chief Court and has exercised with great credit powers of a 1st Class Magistrate for the last 6 years and the power to try Cases Summarily may be Safely Conferred on him.

H. Krishnaraja
For District Magistrate

Kolar

Statement of Criminal & Civil Cases in the Court of the Sp'l Magistrate Kolar Gold Fields.

years	Criminal			Civil					Total no: of Crl: & Civil cases	27 a Remarks
	Regular	Miscellaneous.	Total.	Original.	Small Causes	Execution	Miscellaneous	Total.		
1891	186	120	306	.	.	.	.	.	306	
1892-93	394	252	646	.	.	.	.	.	646	For 18 months
1893-94	247	162	409	207	269	218	69	763	1172	Civil Court opened.
1894-95	280	82	362	197	331	393	104	1025	1387	
1895-96	331	75	406	232	391	494	152	1269	1675	
1896-97 half year	174	24	198	185	269	332	125	911	1109	Total ½ year.

G Hanmerwijst

4-2-97

No Court in the State has so much work in proportion to the area of jurisdiction, & no Court except a City Court has such a heavy file.

G Hanmer

(30)

No. 11434 / 1307 dt 20-4-97.

Notification

Under Section 37 of the Code of Criminal ~~Procedure~~, Mr G. Hume Wright, Special Magistrate Kolar Gold Fields, is invested with powers to ~~try~~ ~~criminal cases~~ hear in a summary way under Chapter XXII of the said Code all the ~~Section 260~~. offences mentioned in section 260.

B. O.

C

24/3/97.

25/3/97

Ley.

To,

The Compiler,
Mysore Govt Gazette,
The Registrar of the High Court
In reference to his letter No 4867/202 dt 17th instant and with a

No: 11435 / 1308 dt 20/4/97

Recd: & sent: 20/4

825 dt 4-4-92

dt 3-1896-2

No 5812

No 5960

Lay 7

request that the Chief Court would be good enough to favour Govt with their opinion as to the desirability or otherwise of inserting the City limits of Bangalore & Mysore with similar powers

Ezra
Ezra
19/4/97
19/4/97

Secretary
for Chief Secretary

Ref to Govt
1/4/97

Sd/- R. Meagher
30/3/97

Sd/- R. Meagher
25/3/97

The Govt was aware before any matter other than the Municipality the municipal limits of the Town Mysore & Bangalore - It might be made an exception in the case of the Kolar Gold Fields

Assistant
to Govt

26. 4 97

Sd/- Illegible
30/3/97

Sd/- Illegible
3/4/97

Sd/- Illegible
1/4/97

Sd/- Illegible
Secretary to Govt

Sd/- Illegible
Secretary to Govt

Sd/- Illegible
Secretary to Govt

C 3-896-3

Noted Br Ltr

The case of the Gold Fines may seem apparent, he may therefore please -

Then may be recorded

7-5-97

616

The reasons are recorded held good in the case of any work- In the course of time there is always a chance for misconduct of parties which becomes remediable. Wherein no party made an exception in the case of the plot for myth one mile round & ninth for a year & then consider the Gn further

ADV

Submit to Dewan

7/5/97

Central Jail Press, Bangalore.—18-12-95.—502.

Noted to Dewan

8/5/97

80

J 1265

(General Serial No. 30.)

OFFICE OF THE DIWAN OF MYSORE

10005 1896-97

3 - MAY 1897

From

The Registrar of the Chief Court of Mysore.

31

To

The ~~General~~ Secretary to the Government of Mysore.

Dated 30/4/97

Despatched 1/5/97

Received 3 —

Enclosures No. 1

General No. 5626

No. 527

Forwards copy of the minutes of the Judges on a letter from the District Magistrate of Bangalore, for investing the City Magistrate of Mysore with summary powers -

J 3-5-97

Rejects

4/5.

Rejects put up.

5/5/97

N 5626/27 Jan: 1

8-9

(31)

Bangalore 30th April 1897.

From,

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore.

Sir,

With reference to your No 11435/1308 of the 20 instant forwarding copy of Notification investing Mr. Hume Wright, Special Magistrate Kolar Gold Fields, with powers to try in a summary way under Chapter XXII of the Criminal Procedure Code, all the offences mentioned in Section 260, and requesting that Government may be favored with the opinion of the Judges as to the desirability or otherwise of investing the City Magistrates of Bangalore and Mysore with similar powers I am directed to forward herewith copy of the minutes of the Judges on a letter from the District Magistrate of Mysore for investing the City Magistrate of Mysore with summary powers.

No. 1731 dated 20th March 1896.

I have the honor to be,
Sir,
Your most Obedient Servant.

Registrar

8-6

Ex D (31a)

Minutes of the Judges on a letter from the District Magistrate of Mysore for investing the City Magistrate of Mysore with summary powers

x No 1731 dated 20th March 1896.

Mr. Justice Rama Chandra Iyer. Members of the Representative assembly repeatedly Complained to Government that investiture of Magistrates with power to try in a summary way under Chapter 22 of the Code was liable to abuse, that such Magistrates did not record evidence that notes of evidence, if any, made by them did not form part of the record which contained only the particulars required by Section 263, in non-appealable cases and that by reason of paucity of materials, the Chief Court was not in a position to exercise its powers of Revision in such cases. The Government admitted the justice of the Complaints and the Dewan assured the members that he would thereafter decline to empower any Magistrate with power to try summarily. This happened I think more than five or six years ago. It was after

that

that District Magistrates ceased to recommend that any magistrate should be empowered under Section 260, and when one or two recommendations were made, we declined to give our support

I do not think that there is need to empower the city Magistrates of Mysore or Bangalore under Section 260 since there are four or five Magistrates in each station. Again City Magistrates are generally first or second class Magistrates. They have power under Section 355 of the Code to make only a memorandum of the substance of each witness in summons cases and in all the cases mentioned in Section 260. For the exercise of the power, special order of Government is not needed. Petty labor is saved by the Section and it ensures sufficient materials being placed on the record to enable an appellate Court or the Court of Revision to exercise supervision and control.

12.84

Mr. Justice Menachaya. I have always been opposed to the investiture of summary powers with so many Magistrates of different grades in Mysore, I can see no necessity in this case.

The Chief Judge. The reasons stated by Mr. Justice Ramachandra Iyer are sufficient for declining to support the recommendation of the District Magistrate.

Copy

D. Satyanarayana Rao

Registrar

fxb.

Ch. 3-1896
Court 21-4-97
1829

13 gr

No. 7776 / 1890 13-12-97 / 10-1-98

(36)

Read.

Letter dr. 5626/227 of 30th April 1897 from the Registrar of the ~~Chief~~ Court of Bussora forwarding ~~with reference to Secretariat dr. 11435/1308 of 26-4-97~~, copy of the minutes of the judges on a letter from the Dy. Magistrate of Bussora investing ~~the Civil Magistrate~~ of Bussora with Summary powers

Ch 3-1896-12

~~Order thereon.~~

~~Recorded with the observation that that~~ Government agree with ~~the~~ opinion expressed in ~~the minutes~~ to the effect that there

is no need to ~~empower~~ municipal
the City Magistrates of
Bissore and ~~to~~ Bangalore —
Summary powers
under Section 260 of the
Criminal Procedure Code
since there are four or
five Magistrates in each
station, that City Magis-
trates who are generally
first or second class
Magistrates ~~have power~~ need only,
under section 355 of the
Code, ~~to~~ make ~~such~~ a
memorandum of
the substance of each
witness in summons
cases and in ~~all~~ the cases
mentioned in Section
260 ~~without the special~~
~~order of the Govt for the~~
~~exercise of the power~~

and

94 15

and that while petty labor is saved by this section ~~besides its ensuring~~ sufficient materials being placed on the record to enable an appellate court or the court of Revision to exercise supervision and control.

13-12-97

Order accordingly.

Recorded -

15-1-98

Secretary

23/1/97.

To The Registrar of the Chief Court of Lucknow.

7.1.98

2370

2361

12-9-95.

Gen. 31.]

1898.99

37

From The Deputy Commissioner,
Kolar District.

To

The Secretary to the Government
~~Dewan~~ of Mysore,
Revenue and General Depts.

Dated 10th } September 1898.
Despatched ~~do~~ }
Received

General No. 1128 } 1898.99
No. 307

Enclosure No. -

Proposing that the Special Magistrate be given the powers of a Sub Dy. Coll. with criminal powers also of a Sub-division Magistrate.

Jnd
12.9.95.
Refer put up. MB
14/9/98.

No 1128/307

Kolar District.
Deputy Commissioner's Office,
Dated, Camp Bowringpet, the 10th September 1898.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

Sir,

The Bowringpet Taluk is doubtless daily rising in importance owing to the many mines that are being worked in it for gold. The tract of it known as the Gold Fields has alone got a population of upwards of 30,000 and there are many Europeans therein. The officer designated as the Special Magistrate exercises Criminal jurisdiction throughout that Taluk and some administrative and municipal powers within the area called the Gold Fields. It seems to me that the latter powers may well be exercised by him throughout the whole Taluk, so that the whole of it may be worked by one officer. I therefore propose that he be given the powers of a Sub-division officer over the whole Taluk and his Criminal powers be also raised to those of a Sub-division Magistrate. In fact, when the question of the rate of travelling allowance due to him was sometime ago raised, the Government ruled that he should be ranked with the Sub-division officers. The Bowringpet Taluk alone is sufficient to form a Sub-division officer's charge. There is so much to be done in it and there are numerous interests in it, both foreign and local. That Taluk alone now forms the charge of a Police Assistant Superintendent.

I have the honor to be,
Sir,
your most obedient Servant,
[illegible]
Deputy Commissioner,
Kolar District.

× Please see G.O. No. 3467 dated 8/7/98 Revenue Dept.

(38)

To,

The Deputy Commr,
Kolar Dt.

Dated - 1st ~~Sept~~ October 1898.

No. 4586
J. 485

Adverting to his letter no. 1128/307 of the 10th inst, has the honor to request that he will move the Chief Court as regards any additional Criminal powers which he is in favor of investing the Special Magte with.

2. He is further requested to state what the Sub-Divisional powers are which he proposes to invest the Special Magte with and under